

EXECUTIVE SUMMARY

PROJECT: Kissimmee River Restoration and Headwaters Revitalization Project

COUNTY: Osceola

TRACTS: 1820E-024, 1820E-025, 1820E-026, 1820E-027, 1820E-028,
1820E-029

PURPOSE: Authorize and direct staff to proceed with appropriate legal proceedings to recover possession of certain District land on which certain structures are located and to remove the structures

BACKGROUND/CONSIDERATIONS: On July 8, 1994, the District acquired lands identified as Tract No. 18205-001 for the Kissimmee River Restoration and Headwaters Revitalization Project (hereinafter "Project") in Osceola County. At the time of the acquisition of the lands, District staff determined that certain fish camp structures occupied by individuals on a weekend basis were located outside of the boundary of the acquired lands. Consequently, the District did not pursue actions to secure possession and remove the structures at such time.

In June of 2010, the District was notified by the Code Enforcement Department of Osceola County that there were numerous code violations associated with these structures and that the District as owner of the property was responsible for ensuring code compliance. Subsequently, the District was also notified by the Osceola County Health that the structures were violating the health code.

To ascertain whether the structures are located on District lands, the District obtained an Ordinary High Water Line survey relating to Lake Cypress and the land area where the structures were located. The results of the survey, which were reviewed and approved by the Florida Department of Environmental Protection, revealed that substantially all of the subject structures are located above the Ordinary High Water Line and therefore on the District-owned lands. A portion of the structures located below the Ordinary High Water line are on State lands which are leased to the District for Project purposes.

Under the planned implementation of the Project, the structures will be impacted by raised water levels and need to be removed. To address the situation, District staff has attempted to negotiate settlements with the occupants and their attorney, but has been unsuccessful. Therefore, authorization is requested for District staff to proceed with appropriate legal proceedings to recover possession of the lands and to remove the structures.

FISCAL IMPACT: The District will take action to recover possession of the lands and remove the structures. All costs associated with the legal proceedings and the removal, as well as any compensation amounts if awarded by the court, are to be funded through ad valorem (Capital Projects Okeechobee) funds

RECOMMENDATION: That the Governing Board of the South Florida Water Management District authorize and direct staff to proceed with appropriate legal proceedings to recover possession of the lands on which the structures are located and to remove the structures.

Prepared by: _____
Robert A. Schaeffer
Lead Professional, Real Estate Section

Date

Reviewed by: _____
Ruth P. Clements
Real Estate

Date

Approved by: _____
Tommy Strowd, Director
Operations, Maintenance & Construction

Date

Attachments: Resolution and map

Persons and entities for conflict check:

Sherald Gasque, Ronald Allegood, Jeff Allegood, Richard Haskins, Belynda Haskins
Greg Ogle, Debra Ogle, James Dansby, Donald Dansby